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L.	INTO Amenberry LONDON Amenberry ACCRA
SS G	Us expects Cube quarantine will be taken pursuant to resolution of
SP	Organ of Consultation. Soviets expected to claim, in UNSC, that resolution
SAL AF	the state of the s
ARA	constitutes "emforcement action" under Article 53 UN Charter, and thus
EUR FE	SC authorization required. LA position in SC crucial for disposing of
P. NEA	this allegation. It is important that LA delegates in New York be instructed
IOP	appropriately to oppose and defeat such contention in whatever form it
INR RMR	may arise. Please call this matter to attention foreign minister or
sample -	appropriate official. In discussing this, you may draw upon the failurating
i Te	following analysis:
· .	Twice before UNSC has considered Art. 33. In september, 1960, Soviets
•; •	alleged that OAS diplomatic and embargo measures against Dom. Rep. con-
राज्	stituted "enforcement action". SC rejected that allegation. Earlier this
	year, Cuba claimed Punta del Esta decisions required 30 authorization.
	Again, SC-disagreed. Attente of entore colour.
	Basic point which Us will make is that measures-taken by regional
=_	organizations which are recommendatory in form, rather than binding on
	members of the area organization, cannot be considered "enforcement action".
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Drafted by:	18/22/62 Talerade baseline and Course to Course a ARA- er. Hartin
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Charter, Action mentioned in these articles refers to action which SC is authorized to take under Arts. 40, 41, and 42. Art. 40 authorized are referenced as preventive action. Articles 41-and 42-empower SC to emission its decisions by calling upon IIN members-to apply certain interest and to take action directly. In acting under Arts. 40, 41, and 42, are does more than recommend. It makes binding decisions, which members are obligated to carry out, and it gives direct-orders of enforcement.

This character of SC ections under Arts. 40, 41, and 42 is to be distinguished from recommendations made by the SC under Art. 39 or by GA in discharge its responsibilities under Chapter 4 of Charter. GA has in past recommended use of armed force, despite contention that this constituted "action" which could only be taken by SC. Since GA powers are only recommendatory in field of peace and security, GA-dose not take "preventive" or "enforcement" action. This distinction between 3C measure which is obligatory and constitutes "action", on the one MAR hand, and measure which is recommended either by SC or by GA, on the other, was alluded to by Int. Court Arket Just. in advisory opinion of July 20, 1962 on UN-expenses (UNEF and Congo).

Thus, in context UN bodies, "enforcement action" means action which is obligatory on all members. In considering character of measures taken by regional organization, it is reasonable to apply comparable standard in giving effect to "enforcement action" as it appears in Art. 53. Under art. 20 of Rio Treaty, resolution on use armed force is not obligatory on parties to

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ible with UN Charter. Article 52(1) appeared originally in Dumberton Oaks text. In interim between Dum. Oaks and San Fran., Amer. Republics approved Act of Chapultepec. Part-II that Act is similar to provisions later incorporated Arts. 6 and 8 of Rio Treaty. Part III Act of Chapultepec went on to state:

"The above Declaration and Recommendation remain constitute a regional arrangement for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action in this Hemisphere. The said arrangement, and the pertinent activities and procedures, shall be consistent with the purposes and principles of the general international organisation, when established."

Thus Amer. Reps. gave their judgment that measures including the "use of armed I force to prevent or repel agression" constitute "regional action" which might appropriately be taken by a regional arrangement.

when Art; 52 was debated in Com. III/k atr San: Franc. Conf., which considered Ch. VIII of Charter, Alfata Camargo (Columbia) was made lengthy statement concerning relationship Inter-American System and Ch. VIII of UN Charter.

Statement ended with "the approval of /Art. 52/ implies that Act of Chapultapea is not in contravention of the Charter." (At San Franc. LAs vigorously defended need for autonomy regional orgs.)

view that quarantine resolution not "enforcement action" is consistent with purpose Art: 53% There was general recognition at San Fran. that regional orgs had important role to play in field peace and security, particularly with

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respect-to disputes within a region. At same time it was clear that extions of regional orgs, particularly if they involved organized hostilities or were directed at outsiders, could have serious affect on seturity rest of world, which was responsibility of SC. Last 17 years have demonstrated that regions? orgs operate in fact as restraint on actions individual members. Rio Trenty, for example requires two-thirds majority for peace and security measures.

It is relevant to note, in this context, that quarantine action relates to a regional matter, and is directed at a party to Rio Pact. These managers before have, as their purpose, protection of hemispheric peace and security. Manager contemplated are not absigned to enforce anything on tube.

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